

REMARKS

Claims 1-19 are pending in the present application. Claims 20-43 were previously cancelled. No new matter has been added.

Claims 1, 2, 4, 5, 7, 9, 10, 13, 15, 16, and 18 have been rejected under 35 U.S.C. § 102(b) as assertedly being anticipated by U.S. Patent Application Publication No. 2002/0048972 A1 to Yamaguchi et al. (hereinafter "Yamaguchi"). Claims 11 and 12 have been rejected under 35 U.S.C. § 102(b) as assertedly being anticipated by U.S. Patent No. 6,261,883 to Koubuchi et al. (hereinafter "Koubuchi"). Claim 14 has been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Yamaguchi. Claim 3 has been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Yamaguchi as applied to claim 2 above, and further in view of U.S. Patent No. 6,686,248 to Yu (hereinafter "Yu"). Claims 6 and 17 have been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Yamaguchi as applied to claim 1 above, and further in view of U.S. Patent No. 6,873,051 to Paton et al. (hereinafter "Paton"). Claims 8 and 19 have been rejected under 35 U.S.C. § 103(a) as assertedly being unpatentable over Yamaguchi as applied to claim 1 above, and further in view of U.S. Patent No. 6,797,641 to Holmes et al. (hereinafter "Holmes"). Applicants respectfully traverse these rejections.

Regarding claim 1, Applicants' claim 1 recites at least one distinguishing feature not disclosed in Yamaguchi. In particular, Applicants' claim 1 recites "at least one dummy silicide structure." Yamaguchi does not disclose this feature.

Similar to the Umebayashi reference previously cited by the Examiner and overcome by Applicants in appeal, Yamaguchi simply uses the word "dummy," but the "dummy" structure disclosed by Yamaguchi is not a dummy structure as used by Applicants in the present case. As previously stated by Applicants, a dummy structure is a "structure that 'does not perform a

logical function for the circuitry contained on the semiconductor chip.”” (See Pre-Appeal Brief, filed January 19, 2006, *citing* Applicants’ Patent Application, paragraph 32.) The dummy electrode 22 of Yamaguchi that the Office Action asserts is a dummy structure recited in Applicants’ claim 1 is not a dummy structure as defined by Applicants.

In fact, the dummy electrode 22 of Yamaguchi is similar to the word line of Umebayashi, which was overcome by Applicants during appeal. (See Notice of Panel Decision from Pre-Appeal Brief Review, dated February 15, 2006.) In both cases, the element identified by the respective Office Actions is an active element of the circuitry. In the case of Umebayashi, the structure identified by the Examiner was a word line. In the case of Yamaguchi, the structure identified by the Office Action functions as a capacitor.

This is explicitly stated by Yamaguchi. For example, Yamaguchi explicitly states that “where a dummy electrode is formed, a capacitance per a unit area of *a capacitor formed by the dummy electrode* being smaller . . .” (Yamaguchi, paragraph 20.) As another example, Yamaguchi explicitly states “a parasitic capacitor formed by the dummy electrode 22.” (Yamaguchi, paragraph 62.) Reading Yamaguchi, it is clear that the dummy electrode 22 is a functional part of the circuitry, and thus, the dummy electrode 22 of Yamaguchi is not a dummy structure as used by Applicants.

Independent claim 13 recites similar language and is distinguishable over Yamaguchi for at least some of the same reasons discussed above with regard to claim 1.

Claims 2-12 and 14-19 depend from and further limit independent claims 1 and 13 in a patentable sense. Accordingly, Applicant respectfully requests that the rejections of claims 2-12 and 14-19 be withdrawn as well.

In view of the above, Applicants respectfully submit that the application is in condition for allowance and request that the Examiner pass the case to issuance. If the Examiner should have any questions, Applicants request that the Examiner contact Applicants' attorney at the address below. No fee is believed due in connection with this filing. However, in the event that there are any fees due, please charge the same, or credit any overpayment, to Deposit Account No. 50-1065.

Respectfully submitted,



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